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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,592

10/17/2005

Brent K. Hyde

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7458

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7590

03/21/2008

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EXAMINER

ROSE, ROBERT A

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

03/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/553,592

**Applicant(s)**

HYDE ET AL.

**Examiner**

Robert Rose

**Art Unit**

3723

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2007, 17 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-6, 9, 13, 15, 18-22, 25, 30-32, 35 and 46-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6, 9, 13, 15, 18-22, 25, 30-32, 46, 47, 49, 51, 53-56, 59, 60, 62 and 65-67 is/are allowed.
- 6) ☒ Claim(s) 35, 48, 50, 52, 57, 58, 61, 63, 64 and 68-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/18/07.
- 4) ☐ Interview Summary (PTO-813)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Receipt is acknowledged of Applicant's two Prior Art Statements, both filed October 18, 2007.
2. Claims 1-3, 7-8, 10-12, 14, 16-17, 23-24, 26-29, 33-34, and 36-45 have been canceled.
3. Applicant presented a claim 8 in the amendment filed December 17, 2007. However, claim 8 was previously canceled by amendment, and it appears Applicant intended this to be previously amended claim 9.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 35, 48, 52, and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCubbin in view of Kelsey. McCubbin discloses a tool honing guide and bevel setting jig for honing a tool comprising substantially all of the subject matter set forth in Applicant's claims above, except for the recitation of the tool clamping bars having a concave surface. Note guide(12) comprising tool holder(11,18) and roller(20); and jig(21') for removable coupling to the guide to set the tool at selective sharpening angles. The tool is secured in a guide by drawing a tool securing bar against the guide reference surface, and an adjustable stop(32) is used to establish the extent of projection of the tool from the guide for sharpening at the proper angle. To modify the tool in McCubbin by providing concave surfaces on the clamping bars, to provide plural

parallel lines of contact to prevent shifting of the tool during use, would have been obvious in view of Kelsey.

6. Claims 50, 61, 63-64, and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCubbin in view of Kelsey, and further in view of McLean. McLean discloses a honing guide for sharpening cutting tools at selectively adjustable sharpening angles, having means in the form of an eccentrically mounted roller and spring biased height adjustment means located on the roller axle, to selectively adjust the height of the roller axle and hence the sharpening angle of the tool holder. To provide such means for adjusting the angle of the tool holder in the device of McCubbin, to automatically present the tool holder at a predetermined angle for sharpening, and avoid errors inherent in manual adjustment to the proper angle, would have been obvious in view of McLean.

7. Claims 4-6, 9, 13, 15, 18-22, 25, 30-32, 46-47, 49, 51, 53-56, 59-60, 62, and 65-67 are allowed.

8. Applicant's arguments filed December 17, 2007 have been fully considered but they are not persuasive. Applicant's new limitation in independent claim 35, of the clamping bars each having a tool contacting, concave surface opposing the other clamping bar concave surface, and shaped to contact the tool along parallel lines, is deemed to be obvious over McCubbin in view of Kelsey. With regard to claims 50, 61, 63-64, and 68-70, McLean is deemed to teach the use of an eccentrically mounted roller and spring biased height adjustment means located on the roller axle, to selectively adjust the height of the roller axle and hence the sharpening angle of the tool holder.

To provide such means for adjusting the angle of the tool holder in the device of McCubbin, to automatically present the tool holder at a predetermined angle for sharpening, and avoid errors inherent in manual adjustment to the proper angle, would have been obvious in view of McLean.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Rose whose telephone number is (571) 272-4494. The examiner can normally be reached on Monday through Thursday, and on alternate Fridays, from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached at (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Robert Rose/  
Primary Examiner  
Art Unit 3723

Rr

March 15, 2008.